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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,213	07/17/2006	Masayuki Sakigawara	OHNO-40791	7849

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CLEVELAND, OH 44114-3108

EXAMINER

KOVAL, MELISSA J

ART UNIT	PAPER NUMBER
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2862

NOTIFICATION DATE	DELIVERY MODE
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09/10/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/597,213	Applicant(s) SAKIGAWARA ET AL.	
	Examiner MELISSA J. KOVAL	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/17/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered, unless otherwise indicated by the examiner in the IDS. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

2. The information disclosure statement filed July 17, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all

Art Unit: 2862

other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered unless otherwise indicated by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

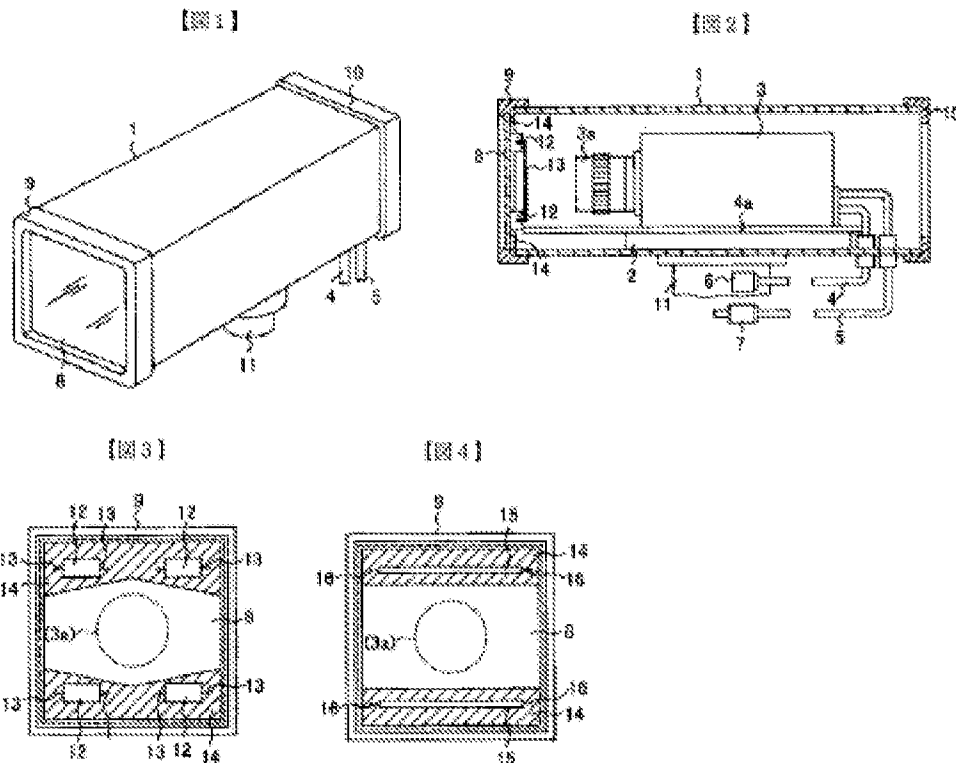
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 through 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 3075351 in view of JP 2002-218440.

See the Figures for both the teachings of JP '351 and JP '440.

5. Claim 1 sets forth: "A monitor camera device comprising:
a camera housing having an engaged portion (See JP '352

Art Unit: 2862



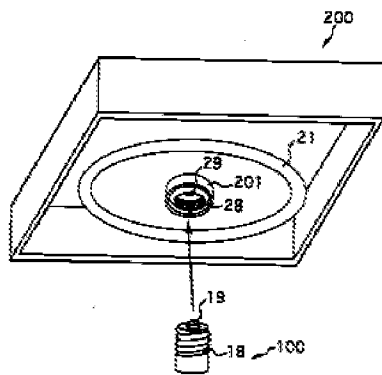
),

and a dehumidification regulation body having a dehumidification element, an electrode, and an engaging portion that engages the engaged portion of the camera housing, the dehumidification regulation body being configured so that one end of the electrode supplies a power source to the dehumidification element and the other end of the electrode penetrates through the engaging portion of the dehumidification regulation body, the dehumidification regulation body being detachably attached to the camera housing by the engaging portion of the dehumidification regulation body and the engaged portion of the camera housing (

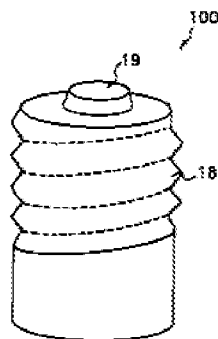
(7)

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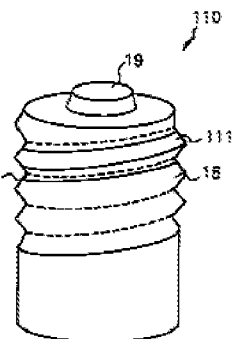
【図2】



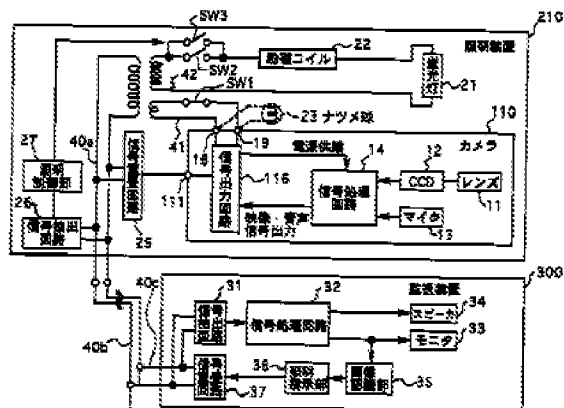
【図4】



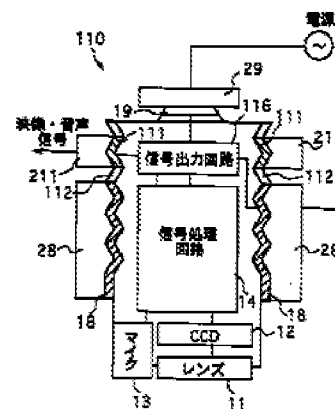
【図7】

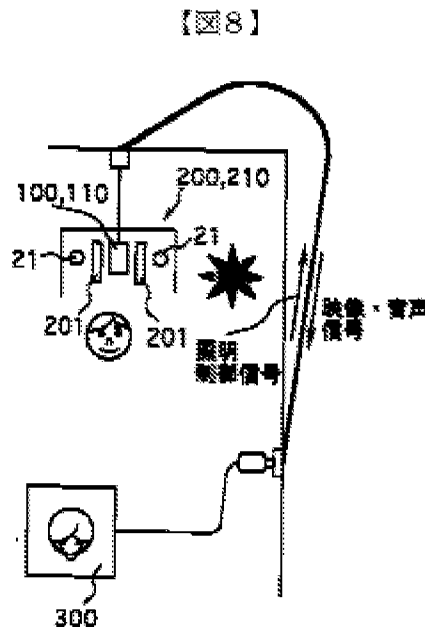


【図5】



【図6】





6. Based on the figures, the examiner interprets Figures 1 through 4 of JP '352 to show a camera housing comprising dehumidification elements including at least an electrode. The at least one electrode appears to have internally and externally disposed portions. The external portions also appear to be detachable, however the specific details of the connection means are not clear from the figures.

7. Detachable electrodes for supplying power to a device that appears to be a camera comprising a CCD are known as shown by JP '440.

It would have been obvious to one having ordinary skill in the art at the time the invention was made that the limitations of claim 1 are met when considering the camera device shown by JP '351 in view of JP '440. One having ordinary skill in the art would be motivated to modify JP '351 to include known structures for attaching and detaching

Art Unit: 2862

as shown by JP '440. Furthermore one having ordinary skill in the art would have motivation to try the modification with a reasonable expectation of success.

8. Section 103 forbids issuance of a patent when 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains' ". *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1734, 82 USPQ2d 1385, 1391 (2007). The question of obviousness is resolved on the basis of underlying factual determination including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, and (3) the level of skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966). See also *KSR*, 127 S. Ct. at 1734, 82 USPQ2d at 1391 ("While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls."). The Court in *Graham* further noted that evidence of secondary considerations, such as commercial success, long felt but unsolved needs, failure of others, etc., "might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented." 383 U.S. at 18, 148 USPQ at 467. "if a court, or patent examiner, conducts this analysis and concludes the claimed subject matter was obvious, the claim is invalid under §103." *KSR*, 127 S. Ct. at 1734, 82 USPQ2d at 1391.

The mere existence of differences between the prior art and the claim does not establish nonobviousness. *Dann v. Johnston*, 425 U.S. 219, 230, 189 USPQ 257, 261 (1976). The issue is "whether the difference between the prior art and the subject matter in question "is a difference sufficient to render the claimed subject matter unobvious to one skilled in the applicable art." " *Dann*, 425 U.S. at 228-29, 189 USPQ at 261 (citation omitted). To be nonobvious, an improvement must be "more than the predictable use of prior art elements according to their established function." *KSR*, 127 S. Ct. at 1740, 82 USPQ2d at 1396.

In *KSR*, the Supreme Court emphasized "the need for caution in granting a patent based on the combination of elements found in the prior art, "id. At 1739, 82 USPQ2d at 1395, and discussed circumstances in which a patent might be determined to be obvious. In particular, the Supreme Court emphasized that "the principles laid down in *graham* reaffirmed the obviousness"). However, "the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill would employ." *Id.* The court cautioned that "[a] factfinder should be aware, of course, of the distinction caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning." *Id.* At 1742, 82 USPQ2d at 1397.

The court noted that "[in] many fields it may be that there is little discussion of obviousness techniques or combinations, and it often may be the case that market

Art Unit: 2862

demand, rather than scientific literature, will drive design trends.’ KSR, 127 S. Ct. at 1741, 82 USPQ2d at 1396. “Under the correct analysis, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed.’ *Id.* At 1742, 82 USPQ2d at 1397. The Court also noted that “[c]ommon sense teaches...that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle.’ *Id.* At 1742, 82 USPQ2d at 1397. “A person of ordinary skill is also a person of ordinary creativity, not an automaton.” *Id.*

Furthermore, the Supreme Court explained that “{w}hen there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp.” KSR, 127 S. Ct. at 1742, 82 USPQ2d at 1397. “If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense, “*id.* And, in such an instance” the fact that a combination was obvious to try might show that it was obvious under §103” *id.*

The level of ordinary skill in the art may be evidenced by the prior art references. In re GPAC Inc., 57 F.3d 1573, 1579, 35 USPQ2d 1116, 1121 (fed. Cir. 1995) (“Although the Board did not make a specific finding on skill level, it did conclude that the level of ordinary skill in the art...was best determined by appeal to the references of record....We do not believe that the Board clearly erred in adopting this approach.”); see also In re Oelrich, 579 F.2d 86, 91, 198 USPQ 210, 214 (CCPA 1978) (“the PTO usually must evaluate both the scope and content of the prior art and the level of ordinary skill solely on the cold words of the literature”).

In sustaining a multiple reference rejection under 35 U.S.C. §103(a), the Board may rely on one reference alone without designating it as a new ground of rejection. In re Bush, 296 F. 2d 491, 496, 131 USPQ 263, 266-67 (CCPA 1961); in re Boyer, 363 F. 2d 455, 458 n. 2, 150 USPQ 441, 444 n.2 (CCPA 1966).

During examination of patent application, a claim is given its broadest reasonable construction consistent with the specification. In re Prater, 415 F.2d. 1393, 1404-05, 162 USPQ 541, 550-51, (CCPA 1969). “[T]he words of a claim ‘are generally given their ordinary and customary meaning.’ “

Phillips v. AWH Corp., 415 F. 3d 1303, 1312, 75 USPQ2d 1321, 1326 (Fed. Cir. 2005) (en banc) (internal citations omitted). The “ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.” *Id.* At 1313, 75 USPQ2d at 1326.

9. The limitations of remaining claims 2 through 9 are met by the combination of

Art Unit: 2862

references for the same reasons already given in the rejection of claim 1, as set forth above.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goto et al. U.S. Patent 5,678,106 teaches a driver for piezoelectric actuator and shutter control device utilizing piezoelectric device.

Song et al. U.S. Patent Application Publication US 2006/0186561 A1 teaches a mobile robot having a humidifier therein.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA J. KOVAL whose telephone number is (571) 272-2121. The examiner can normally be reached on Monday through Friday.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2862

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MELISSA J KOVAL/
Primary Examiner, Art Unit 2862

MELISSA J KOVAL
Primary Examiner
Art Unit 2862

MJK